

**United States Bankruptcy Court
Eastern District of Pennsylvania**

In re	<u>Marcos O. Vargas</u>	Case No.	<u>22-13239/mdc</u>
	Debtor	Chapter	<u>13</u>

**DEBTOR, MARCOS O. VARGAS' OBJECTIONS
TO PROOF OF CLAIM OF CREDIT ACCEPTANCE CORPORATION**

Debtor, Marcos O. Vargas, by and through his attorney, Bradly E. Allen files these Objections to Proof of Claim, No. 1 on Claims Register of Credit Acceptance Corporation and avers the following:

1. Credit Acceptance Corporation filed a Claim on December 5, 2022 in the amount of \$16, 229.35 for a deficiency balance on Debtor's 2014 Nissan Sentra vehicle which was repossessed on July 16, 2019.

A copy of the Proof of Claim is attached hereto and marked Exhibit "A"

2. The Proof of Claim states that they added \$729.10 for expenses in retaking possession of the vehicle and disposing of the vehicle.

3. The Proof of Claim states that the total amount owed for the deficiency is \$10,616.29.

4. The Proof of Claim states in No. 7 that the total claim is \$16,229.35. There is no explanation for the reason that the Proof of Claim increased from \$10,616.29 to the amount claimed of \$16,229.35.

5. Debtor objects to the increase in the Proof of Claim from \$10,616.29 with no explanation as to why the Proof of Claim was increased.

Wherefore, Debtor, Marcos O. Vargas requests that the Proof of Claim be modified to reflect the correct amount owed on the deficiency balance for the vehicle which was repossessed.

/s/ Bradly E. Allen, Esquire
Bradly E. Allen, Attorney for Debtor
7711 Castor Avenue
Philadelphia, PA 19152
P-215-725-4242

United States Bankruptcy Court
Eastern District of Pennsylvania

In re	<u>Marcos O. Vargas</u>	Case No.	<u>22-13239/mdc</u>
	Debtor	Chapter	<u>13</u>

ORDER

AND NOW, this day of , 2023 it is hereby ORDERED and
DECREED that Debtor's Objections to Proof of Claim, No. 1 of CREDIT ACCEPTANCE
CORPORATION is hereby GRANTED and the Proof of Claim is hereby reduced to \$10,616.29.

BY THE COURT:

/S/

HONORABLE MAGDELINE D. COLEMAN
U.S. BANKRUPTCY JUDGE

in this information to identify the case:

Debtor 1 MARCOS VARGAS

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN District of PA

Case number 2213239

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

CREDIT ACCEPTANCE CORPORATION

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

2. Has this claim been acquired from someone else?

☒ No

☐ Yes. From whom?

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?

CREDIT ACCEPTANCE CORPORATION
Name

25505 W. 12 MILE ROAD, SUITE 3000
Number Street

SOUTHFIELD, MI 48034
City State ZIP Code

Contact phone 800 - 667 - 4753

Contact email

Where should payments to the creditor be sent? (if different)

CREDIT ACCEPTANCE CORPORATION
Name

25505 W. 12 MILE ROAD, SUITE 3000
Number Street

SOUTHFIELD, MI 48034
City State ZIP Code

Contact phone 800 - 667 - 4753

Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☒ No

☐ Yes. Claim number on court claims registry (if known)

Filed on MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No

☐ Yes. Who made the earlier filing?

EXHIBIT "A"

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No ☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 8 9 1 0

7. How much is the claim? \$16,229.35. Does this amount include interest or other charges?
☐ No
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

CAR LOAN DEFICIENCY BALANCE

9. Is all or part of the claim secured? ☒ No ☐ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No ☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No ☐ Yes. Identify the property: _____

2. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

Amount entitled to priority

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/05/2022
MM / DD / YYYY

/s/ Alicia S Ford

Signature

Print the name of the person who is completing and signing this claim:

Name Alicia S Ford

First name

Middle name

Last name

Title BANKRUPTCY COORDINATOR

Company CREDIT ACCEPTANCE CORPORATION

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 25505 W. 12 MILE ROAD, SUITE 3000

Number

Street

SOUTHFIELD,

MI

48034

City

State

ZIP Code

Contact phone 800 - 667 - 4753

Email

Credit Acceptance Corporation
Silver Triangle Building • 25505 West Twelve Mile Road,
Suite 3000
Southfield, Michigan 48034-8339
(800) 716-7376



1-683-55123-0000634-001-1-000-000-000-000

MARCOS VARGAS
963 ALLENGROVE ST
PHILADELPHIA PA 19124-2409

DATE: JULY 29 2019
ACCOUNT:
VEHICLE: 2014 Nissan Sentra
VIN: 3N1AB7AP8EY322288

SUBJECT: Security Agreement Dated 09/09/17

NOTICE OF DISPOSITION OF REPOSSESSED VEHICLE. Credit Acceptance Corporation disposed of the above-referenced vehicle on 07/16/19 at the following location:

MANHEIM PHILADELPHIA
2280 BETHLEHEM PIKE
HATFIELD PA 19440

NOTICE OF DEFICIENCY. After applying the proceeds from the disposition of the repossessed vehicle to your payment obligation, a deficiency in the amount of \$10616.29 remains. Unless applicable law provides that you are not liable for the deficiency amount, you are obligated to pay the deficiency amount to Credit Acceptance Corporation. Please call the toll-free number above to make appropriate arrangements.

EXPLANATION OF DEFICIENCY. The amount of the deficiency was calculated as follows:

1. As of 05/20/19, the total amount of your obligation was \$15448.02.
2. The amount of proceeds received from the disposition of the vehicle was \$ 5300.00.
3. The total amount of your obligation after deducting the amount of proceeds received from the disposition of the vehicle is \$10148.02.
4. The total amount of expenses incurred in retaking possession, holding, preparing for disposition, processing, and disposing of the vehicle is \$ 729.10.
5. The total amount of credits to your account, which includes any payments received since the date in Item 1 above and other credits to which you are known to be entitled, including rebates of interest (or credit service charges) or ancillary product premiums (such as a service contract or GAP) is \$ 260.83.
6. The amount of the deficiency is \$10616.29.

Future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the deficiency.

ADDITIONAL INFORMATION. Additional information concerning this transaction is available from Credit Acceptance Corporation at 1-800-235-7682.